

STAND. COM. REP. NO.

972

Honolulu, Hawaii

March 6, 2009

RE: H.B. No. 952

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 952
entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

begs leave to report as follows:

The purpose of this bill is to protect an employee's right to
organize and allow both public and private sector employees easier
access to union representation by:

- (1) Streamlining the process to certify union representation
by requiring the Hawaii Labor Relations Board (Board) to
certify an exclusive representative if a majority of the
employees in a unit not currently represented has signed
valid authorizations designating a bargaining
representative, instead of doing so through an election
process; and
- (2) Establishing a process that facilitates the initial
collective bargaining agreements between an employer and
a newly certified employee representative.

The Hawaii State AFL-CIO, Hawaii Government Employees
Association, Hawaii Carpenters Union, ILWU Local 142,
International Brotherhood of Electrical Workers Local Union 1186,
Screen Actors Guild - Hawaii Branch, Hawaii Building and
Construction Trades Council AFL-CIO, Pride at Work Hawaii,
Laborers International Union of North America Local 368, Hawaii

HB952 HD1 HSCR FIN HMS 2009-2891



Ports Maritime Council, and Hawaii Alliance for Retired Americans supported this bill. The Department of Labor and Industrial Relations; Department of Agriculture; Small Business Regulatory Review Board; The Chamber of Commerce of Hawaii; Maui Chamber of Commerce; North Shore Chamber of Commerce; Kona-Kohala Chamber of Commerce; Hawaii Crop Improvement Association; Building Industry Association of Hawaii; Activities & Attractions Association of Hawaii; Ocean Tourism Coalition; Retail Merchants of Hawaii; Associated Builders and Contractors, Inc. - Hawaii Chapter; Hawaii Hotel & Lodging Association; Pioneer Hi-Bred International, Inc.; Society for Human Resource Management - Hawaii; National Federation of Independent Businesses in Hawaii; General Contractors Association of Hawaii; Healthcare Association of Hawaii; West Hawaii Today; Hawaii Farm Bureau Federation; Hawaii Restaurant Association; Outrigger Hotels; Gytaku Japanese Restaurants; Monsanto; Syngenta Hawaii; Hawaiian Airlines; Waikiki Beach Activities; Aloha International Employment; Bead It! Inc.; Maxwell Design Group; Maui - Molokai Sea Cruises; Noelani Condo Resort; Maui Publishing Company, Ltd.; Pono Pacific Land Management; Hawaii Hispanic News; Hike Maui; Castle Medical Center; Syngenta Seeds; Kahala Senior Living Community, Inc.; Kayak Wailua, LLC.; Valley Isle Excursions, Inc.; Midas Hawaii; Maui Divers of Hawaii, Ltd.; The Limtiaco Company; Maunalani Nursing and Rehabilitation Center; Jack's Diving Locker; REI Food Service, LLC.; Hawaii Pacific Health; Polynesian Cultural Center; and numerous concerned individuals opposed this measure. The Department of the Attorney General and the American Income Life Insurance Company submitted comments.

Your Committee notes that enactment of this Act does not preclude the use of secret ballot if both labor and management agree.

Your Committee has amended this bill by:

- (1) Authorizing the Board to make rules and determinations regarding the eligibility of employees and the validity of an employee's signature on an authorization card;
- (2) Providing that the Board rather than a conciliator will refer disputes to an arbitration panel;
- (3) Applying the union certification process to an employer with 100 or more employees;



- (4) Changing the effective date to July 1, 2020, to encourage further discussion; and
- (5) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 952, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 952, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Finance,



MARCUS R. OSHIRO, Chair



